IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6150 of 2007()

CRIME NO.175/2007 OF PALLITHOTTAM POLICE STATION)
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PETITIONERS/ACCUSED
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1. **S.MERARD, S/O.SEBASTIAN, ANANYA NAGAR, NEAR CHERUKULAM TRANSFORMER, PUNNATHALA SOUTH, THIRUMULLAVARAM P.O., KOLLAM.**

2. **JOY WILLIAM, S/O.WILLIAM, KEVIN DALE, PULIMOOD PURAYIDOM, JYOTHIS NAGAR, VADDY, KOLLAM.**

3. **THOMAS.D., JASMINE DALE, RESETTLEMENT COLONY, SNEHATHEERAM NAGAR, PORT-KOLLAM, KOLLAM - 6.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, PALLITHOTTAM POLICE STATION, KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

tss

R.BASANT, J

B.A.No.6150 of 2007

Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations in a crime registered for offences punishable, inter alia, under Sections 406 and 420 I.P.C. The petitioners were former office bearers of a Fishermen Welfare Society. A private complaint has been filed by the present Chief Executive Officer. The same has been referred to the police. It is alleged that the petitioners are guilty of gross acts of misappropriation of a large amount of money belonging to the Fishermen Welfare Society, Moothakkara, Kollam.

2. The learned counsel for the petitioners submits that the allegations are raised vexatiously. Proper accounts have been maintained. The accounts have been duly verified and audited. The defacto complainant, the Chief Executive Officer has with vexatious intent filed the present complaint. The petitioners do not deserve to endure the trauma of arrest and incarceration. They may be granted anticipatory bail subject to appropriate terms and conditions, it is prayed.

3. The learned Public Prosecutor does not oppose the application. In the facts and circumstances of the case, I am

persuaded to agree that arrest and detention of the petitioners is obviously not necessary for a proper and effective investigation of the case.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 17.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 18.10.07 and 19.10.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 17.10.2007 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) without any sureties undertaking to appear before the learned Magistrate on 17.10.07.

(R.BASANT, JUDGE)

rtr/-